



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

April 5, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Retired Clergy, Reverend Bill Garrard
- III. Pledge of Allegiance
- IV. Special Presentations
 - NA** A. Proclamation for Fair Housing Month – Presented to Catawba Valley Association of Realtors, Karleta Smith. **(Exhibit IV.A.)**
 - NA** B. Proclamation for National Public Safety Telecommunications Week – Presented to Hickory Police Department Telecommunicators. **(Exhibit IV.B.)**
- V. Persons Requesting to Be Heard
 - A. Mr. Timothy Shuford, 254 5th Avenue SW, Hickory discussed concerns with the placement of mobile homes in the Ridgeview Community.
- VI. Approval of Minutes
 - A** A. Regular Meeting of March 15, 2022. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A2** A. Approval of an Ordinance to Implement a Speed Limit Reduction to 25mph along 11th Street Circle NW and 11th Street Circle Drive NW. **(First Reading Vote: Unanimous)**
 - A2** B. Budget Revision Number 16. **(First Reading Vote: Unanimous)**
 - A2** C. Consideration of Rezoning Petition (RZ) 22-02, Rezoning of 47.40 Acres of Property Located on Section House Road between 34th Street Place NE and Sipe Road from R-1 Residential and R-20 Residential to R-2 Residential, PIN 3723-08-89-6240. **(First Reading Vote: Unanimous)**
 - A2** D. Consideration of Rezoning Petition (RZ) 22-05 – Rezoning of approximately 13.7 acres of Property located near the Southwest Corner of Cloninger Mill Road and 16th Street NE from R-2 Residential to R-3 Residential, Identified as PINs 3714-12-96-0319 and 3714-12-86-6394. **(First Reading Vote: Unanimous)**
 - A2** E. Consideration of Rezoning Petition (RZ) 22-03, Rezoning of approximately 19.5 Acres of Property Located at 4331 and 4405 North Center Street from R-2 Residential to Planned Development (PD), Identified as PIN 3715-18-30-6570. **(First Reading Vote: Unanimous)**

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- A2** F. Consideration of Rezoning Petition (RZ) 22-04, Rezoning of approximately 9 acres of Property located off Startown Road between Short Road and Robinwood Road from R-20 Residential to Planned Development (PD), Identified as PINs 3711-16-94-6567 and 3721-16-94-9674. **(First Reading Vote: Unanimous)**

VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

- A** A. Approval of the Issuance of a Pyrotechnic Display Permit to Pyro Shows Inc. for Fireworks Displays at the Hickory Crawdads Stadium. **(Exhibit VIII.A.)**

Staff request approval to issue a pyrotechnic display permit to Pyro Shows Inc. for fireworks displays at the Hickory Crawdads Stadium. Douglas Locascio, General Manager of the Hickory Crawdads, submitted a request to obtain permission to conduct public fireworks displays on the following dates: April 15, 2022; April 29, 2022; May 13, 2022; May 27, 2022; June 17, 2022; July 1, 2022; July 3, 2022; July 15, 2022; July 29, 2022; August 5, 2022; August 19, 2022; and September 9, 2022. The following would be a rain date: April 16, 2022; April 30, 2022; May 14, 2022; May 28, 2022; June 18, 2022; July 2, 2022; July 16, 2022; July 30, 2022; August 6, 2022; August 20, 2022; and September 10, 2022. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the issuance of the pyrotechnic display permit.

- A** B. Approval of a Resolution to Declare Surplus 11,891 Discarded Library Items to be Given to the Friends of the Library to be Sold at the Friends "Corner Book Store" at Patrick Beaver Memorial Library and/or Special Book Sales. **(Exhibit VIII.B.)**

The Friends of the Library collect donated books and other materials on an ongoing basis to be sold at seasonal book sales and/or the Corner Book Store, the proceeds from which provide funds for library programming and other special activities. For many years, the library has given the Friends materials that have been removed from the collection because they are out of date, in poor condition, or no longer needed to meet the collection development goals of the library. The sale of donated and discarded books is the primary fundraising activity of the Friends of the Library, and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library and is an appropriate means of disposing of unneeded materials. The library requests that discarded library materials be declared surplus and given to the Friends of the Library for their use at the "Corner Book Store" and/or seasonal book sales.

Notice was advertised in a newspaper having general circulation in the Hickory area on March 21, 2022.

- A** C. Approval of Change Order 3 to the Agreement for Professional Services with Vaughn & Melton Consulting Engineers, Inc. in the Amount of \$147,057.59 Contingent Upon North Carolina Department of Transportation (NCDOT) Concurrence. **(Exhibit VIII.C.)**

Staff requests Council's approval of change order number three to the Agreement for Professional Services with Vaughn & Melton Consulting Engineers, Inc. for additional roadway design, signal communication design, utility design and right-of-way services as directed by the City of Hickory during the engineering and design phase of EB-5911 in the amount of \$147,057.59, contingent upon North Carolina Department of Transportation

concurrence. The OLLE Artwalk project is an element of the Bond Referendum that was to be added in the future as a continued development of the multi-use path around the City that connected all parts of the City for citizens and visitor's enjoyment. This project has received federal funding at 80/20 ratio, Federal and City respectively. Change order number three for the OLLE Artwalk identifies additional services that include roadway design, signal communication, utility design and right-of-way services. City of Hickory portion of fees will be funded by Bond proceeds. Staff recommends Council's approval of change order number three to the Agreement for Professional Services with Vaughn & Melton Consulting Engineers, Inc. for additional roadway design, signal communication design, utility design and right-of-way services related to EB-5911 in the amount of \$147,057.59 contingent upon NCDOT concurrence.

- A** **D.** Approval of the Right of Way Agreement with North Carolina Department of Transportation (NCDOT) in the Amount of \$68,075. **(Exhibit VIII.D.)**

Staff requests City Council's approval of a right way settlement with North Carolina Department of Transportation (NCDOT) for property located at 1535 1st Avenue SW. As part of the US 321 widening project, NCDOT is purchasing right of way and utility easements on several City properties. This agreement is the fifth City-owned property to get to the settlement stage. The property is located at 1535 1st Avenue SW and houses a City of Hickory Water Tower. The parcel is further identified as PIN 279208788772. A portion of the property will be taken for right of way, drainage, utility, and temporary construction easements. NCDOT plans to purchase 0.216 acres of right of way with additional drainage and utility easements. NCDOT will also remove the existing fence around the property. Funding for temporary fencing and new permanent fencing is included in the agreement. The total value of the agreement is \$68,075. Staff recommends approval of the right of way agreement with NCDOT in the amount of \$68,075.

- A** **E.** Approval of a Vacant Building Revitalization Performance Agreement for PEH Properties, LLC in the Amount of \$16,750. **(Exhibit VIII.E.)**

City Council established the Vacant Building Revitalization and Demolition Grant program on September 16, 2008. This program provides forgivable loan funding up to \$20,000 for projects to renovate and rehabilitate vacant buildings within the Urban Revitalization Area and targeted industrial buildings in other areas of the City. PEH Properties, LLC has applied for a Vacant Building Revitalization Grant in the amount of \$16,750 to assist in the renovation of the building at 1811 8th Avenue NW. The applicant plans to renovate the facility for use by an electrical contractor. The applicant plans to invest at least \$111,667 in real property improvements to rehabilitate the building. This makes the project eligible for a \$16,750 forgivable loan. The applicant plans to install new windows and doors, replace the roof and gutters, and make additional improvements to the space. These improvements will enhance the appearance of the building and area. The Business Development Committee reviewed the application and recommended approval. Staff recommends City Council's approval of the Vacant Building Performance Agreement with PEH Properties, LLC.

- A** **F.** Approval of the Naming of the Baseball Field at Jaycee Park after P.D. Fowler.

The recommendation of naming the baseball field at Jaycee Park after P.D. Fowler was unanimously endorsed by the Parks, Recreation and Sports Tourism Commission.

- A1** **G.** Approval of an Ordinance to Implement a Speed Limit Reduction to 25mph Along 10th Street Place NW between 17th Avenue and 21st Avenue NW. **(Exhibit VIII.G.)**

Staff requests Council's approval of an Ordinance to implement a speed limit reduction to 25mph along 10th Street Place NW between 17th Avenue NW and 21st Avenue NW. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens must apply to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting

traffic calming measures are required to complete and submit a petition with 75 percent of properties in favor of implementation for the request to move forward. The Traffic Division staff received the completed petition from property owners along 10th Street Place NW with regards to the Neighborhood Traffic Calming Program and have found the property owners to be compliant with the guidelines. The petition qualifies for a speed limit reduction to 25mph. Thirty-Four properties were included in the petition and twenty-six properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council approval of an Ordinance to implement a speed limit reduction to 25mph along 10th Street Place NW between 17th Avenue NW and 21st Avenue NW.

- A** H. Approval of a Cemetery Deed Transfer from Guy Joseph Guarino, Jr., Trustee of the Beverly A. Guarino Revocable Trust as Restated by Second Amendment dated August 11, 2010 and Susan S. Cloe aka Susan A. Cloe, single, by and through her Attorney-in-Fact, Christina A. Jennings to Guy Joseph Guarino, Jr., and wife, Veronica Moore Guarino, Clinton Toms Andrews Guarino, and Dent Summers Guarino, located in Oakwood Cemetery (Containing approximately 160 square feet, more or less, designated as Plot E, Lot No. 1, Section 35, Spaces 1, 2, 3, and 4) (Prepared by Kimberly H. Whitley, Esq., Patrick, Harper & Dixon, LLP). **(Exhibit VIII.H.)**

A1 I. Budget Revision Number 17. **(Exhibit VIII.I.)**

1. *To appropriate \$131,368 in 911 PSAP funds rolling forward from FY20-21 that were remaining in the program's fund balance for computer equipment expenses.*
2. *To appropriate \$7,970 in Police Department donations towards departmental supplies.*
3. *To amend the 2021 Justice Assistance Grant Project Ordinance #G51104 (\$17,910 received) to reflect the actual cost (\$33,850) of the Reality Virtual Training Platform the City will purchase. The City will contribute \$7,970 while matching funds of \$7,970 will come from Catawba County for the remaining expense of the project.*
4. *To appropriate \$28,128 of Urgent Repair Program revenues towards owner/rental rehabilitation grant programming.*
5. *To appropriate \$6,627 of Consortium Home Program revenues towards owner/rental rehabilitation grant programming.*
6. *To appropriate \$1,000 of Catawba County Fire Revenues towards Fire Department operating expenses for the reimbursement of supplies utilized during a haz-mat spill on November 4, 2019.*
7. *To appropriate \$14,500 in sponsorship payments from David Looper, Frye Regional Medical Center, and Atriax LLC towards branding operating expenses for Sails Original Music events.*
8. *To appropriate \$14,229 from Public Utilities Fund Balance to cover additional branding expenses.*
9. *To appropriate \$13,500 from the sale of a 2004 Chevrolet Silverado 3500 towards Fire Department vehicle capital outlay expenses.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of an Amendment to the 2018 Community Development Block Grant Annual Action Plan Amendment to Reallocate Funds – Presentation by Community Development Manager Karen Dickerson. **(Exhibit XI.A.1.)**

In 2018, the City allocated funding in the Community Development Block Grant (CDBG) Annual Action Plan for the demolition of substandard structures. The intention was to use this funding to assist with blighted and hazardous properties and to stabilize neighborhoods. Since 2018, the funding has not been used for the purpose of demolishing substandard structures as the appropriate opportunity has not presented itself. City staff would like to amend the 2018 Annual Action Plan to reallocate funding in the amount of \$20,000 from demolishing substandard structures line item to the public infrastructure improvements line item within the 2018 CDBG Budget and Annual Action Plan. City staff would like to use this funding toward the improvement to the Hickory Optimist pickleball court project that is currently in process. Decrease: 2018 CDBG Demolition of Substandard Structures \$20,000 and Increase: 2018 CDBG Public Infrastructure Improvements \$20,000. Staff recommends City Council's approval of the amended budget to the 2018 Annual Action Plan Amendment to move \$20,000 from demolition of substandard structures to public infrastructure improvements.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 25, April 1, and April 5, 2022.

B. Departmental Reports

- A** 1(a). Acceptance of the Bid and Award the Contract with PC Construction in the Amount of \$34,952,400 for the Henry Fork Wastewater Treatment Facility Solids Handling Facility Upgrade and Approval of a Resolution of Tentative Award – Presentation by Public Utilities Director Shawn Pennell. **(Exhibit XI.B.1a.)**

Staff requests Council's approval of the project bid from PC Construction for the Henry Fork Wastewater Treatment Facility (WWTF) solids handling facility upgrade, in the amount of \$34,952,400, contingent upon SRF approval. The City of Hickory, City of Conover and Catawba County formed the Regional Sludge Consortium to develop and manage the Regional Sludge Management Facility (RSMF). The RSMF is jointly owned and operated by the City of Hickory, City of Conover, and Catawba County. As of July 1, 2019, Catawba County has withdrawn as a partner from the Consortium. Area municipalities take residuals from their wastewater treatment facilities to the RSMF where it is processed through drying and mixing to produce a quality compost product. The Consortium contracts with Veolia Water North America for the operation and maintenance of the facility. In October of 2019, Council approved an agreement with HDR for the design of the new solids handling facility to be placed at the Henry Fork WWTF. The project was advertised for bids with four bids received from: PC Construction Company - \$34,952,400; Wharton-Smith - \$35,227,000; M.B. Kahn - \$36,698,100; and The Harper Corporation - \$36,340,000. Staff recommends Council's approval of the project bid and award the contract from PC Construction for the Henry Fork WWTF solids handling facility upgrade, in the amount of \$34,952,400, contingent upon SRF approval and approval of a Resolution of Tentative Award.

- A** (b). Approval of Amendment Number One to the Professional Services Agreement with HDR Engineering, Inc. of the Carolinas in the Amount of \$2,225,000 - Presentation by Public Utilities Director Shawn Pennell. **(Exhibit XI.B.1b.)**

Staff requests Council's approval of amendment number one to the Professional Services Agreement with HDR Engineering, Inc. of the Carolinas for construction administration of the biosolids engineering and design (COH 20-001) for the lump sum of \$1,975,000 and an amount not to exceed a cost of \$250,000 for materials testing. The total cost will be \$2,225,000 for amendment number one. The City of Hickory, City of Conover and Catawba County formed the Regional Sludge Consortium to develop and manage the Regional Sludge Management Facility (RSMF). The RSMF is jointly owned and operated by the City of Hickory, City of Conover, and Catawba County. As of July 1, 2019, Catawba County has withdrawn as a partner from the Consortium. Area municipalities take residuals from their

wastewater treatment facilities to the RSMF where it is processed through drying and mixing to produce a quality compost product. The Consortium contracts with Veolia Water North America for the operation and maintenance of the facility. Hickory City Council approved the agreement for the design of a new facility on October 15, 2019. Since that time the project has been fully designed, permitted, and bid. Staff requests that HDR of the Carolinas continue this project with contract administration and recommends approval of amendment number one the Professional Services Agreement in the amount of \$2,225,000.

A1 (c). Budget Revision Number 18. **(Exhibit XI.B.1c.)**

1. To appropriate \$2,225,000 from Public Utilities fund balance towards HDR Engineering, Inc for Change Order #1 for construction administration services related to the City's Bio Solids Capital project.
2. To appropriate \$4,952,400 towards PC Construction for upgrading the Henry Fork Wastewater Treatment Facility as part of the Bio Solids Capital Project. \$1,952,400 will be paid out of Public Utilities fund balance while \$3,000,000 will come from financing proceeds. \$30,000,000 in State Revolving Funds were previously appropriated for the project on April 20, 2021. The total project bid was \$34,952,400.

A 2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

Ward 5 (Zagaroli Appoints)

(Joe Fox Resigned 3-21-2022)

VACANT

Alderman Zagaroli Nominated Dianne Straley as Ward 5 Representative on the Library Advisory Board.

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints)

VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard
Homeschool

VACANT
VACANT

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Voting Delegate for 2022-2023 League Board of Directors in Advance of the Annual Business Meeting on April 28, 2022 at the NCLM Annual Business Meeting during the CityVision Conference.

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

<p>The City of Hickory holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting. Phone Services (hearing impaired) – Call 711 or 1-800-735-2962</p>
